



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,717	10/12/2001	David S. Allison	0007056-0202/P5945	3310

32615 7590 05/18/2005

OSHA LIANG L.L.P./SUN
1221 MCKINNEY, SUITE 2800
HOUSTON, TX 77010

EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
----------	--------------

2193

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,717

Applicant(s)

ALLISON, DAVID S.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-10 are pending and have been examined.

Drawings

1. The drawings were received on 21 March 2005. These drawings are accepted.

Specification

2. Specification amendment of 21 March 2005 is acknowledged.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by **Agrawal et al. (USPN 5,696,974).**

Claim 1

Agrawal disclosed a method for executing multiple functions, comprising:

defining a first function (*column 16, lines 25-33, 46-64; note Order*);

defining a second function in an inheritance relationship to said first function (*column 16, lines 25-33, 46-64; note CheckConsistency*);

Art Unit: 2193

calling said second function, comprising:

instantiating said first function and then instantiating said second function
(column 16, lines 25-33, 46-64; note Order called/instantiated before CheckConsistency
is fully implemented/instantiated).

Claim 2

Agrawal disclosed the method of claim 1, further comprising:

destructing said second function and then said first function (column 16, lines 25-33, 46-
64; note Order function completed and gone before CheckConsistency).

Claim 3

Agrawal disclosed the method of claim 2, further comprising:

halting the instantiation process when any function exits in an error condition (column 1,
lines 57-60; an error condition to be avoided/halt in the event of).

Claim 4

Agrawal disclosed the method of claim 1, further comprising:

accessing a table to determine if an inheritance relationship exists between said first
function and said second function (column 7, lines 16-18; note dynamic dispatch).

Art Unit: 2193

Claim 5

Agrawal disclosed the method of claim 4, wherein said table is stored in a RAM
(column 26, line 52; note RAM standard computer-readable medium).

Claims 6-10

The limitations of claims 6-10 are substantially the same as for the limitations of method claims 1-5 and as such are rejected in the same manner.

Response to Arguments

5. Applicant's arguments filed 21 March 2005 have been fully considered but they are not persuasive. Applicant argues **Agrawal** does not discuss inheritance relationships of functions. Upon review of the cited art and the claimed invention, the above argument is found unpersuasive. First, though portions of **Agrawal** (as cited by Applicant in Remarks) may discuss data type relationships. This does not preclude, under the broadest reasonable interpretation of the claim language "*a second function in an inheritance relationship to a said first function*", **Agrawal's** functions from "inheriting" from other functions. Functionality of one function is found in another function, as illustrated by the cited portions of **Agrawal**. Second, it is unclear that a call and return nature of a function cannot denote an inheritance relationship as asserted by Applicant. On the subject of inheritance, the Microsoft Computer Dictionary states: "the transfer of the characteristics of a class in object-oriented programming to other classes derived from it...". From this perspective, it is clear that the functions of **Agrawal**

Art Unit: 2193

transfer characteristics. Finally, a broad interpretation is required of inheritance when applied to functions. Therefore, the rejections are maintained.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Correspondence Information

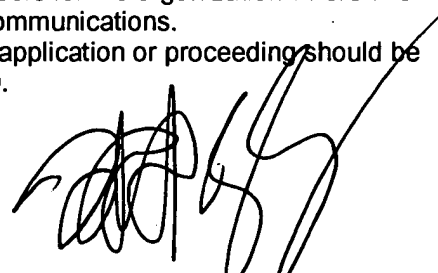
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceedings should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
May 5, 2005



TODD INBERG
PRIMARY EXAMINER